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Remarks

In the Office Action dated November 6, 2008, the Examiner rejected claims 1-17.

By way of the present amendment, Applicants propose canceling claims 2, 4-5, 7-12 and 14-17, without prejudice or disclaimer, amending claims 1, 3, 6 and 13, and adding claims 18-26. No new matter has been added by the way of the present amendment.

Please note that Inventor is now acting *pro se* in this matter, and would appreciate any suggestions.

Claims 1, 3, 6 and 13, have been modified and claims 18-26 added to more appropriately define the invention.

Claim Rejections

Examiner rejected claims 1, 2, 12-14 and 17 under 35 USC § 102(b) as being anticipated by Hall, Jr., United States Patent 6,371,482.

Examiner states: "Hall discloses an apparatus and a method for generating random numbers for the lottery by using astronomical events." Inventor respectfully disagrees with Examiner's statement. Referring to Hall's abstract "generating hot sheets for lottery numbers based upon previously drawn

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numbers and astronomical data." A hot sheet is a list of numbers which purport to have a greater chance of occurring in an upcoming lottery. Please refer to column 1 line 64 through column 2 line 14. Here Hall teaches away from using completely random numbers. The current invention teaches creation of completely random numbers.

Referring to Hall column 4 lines 7-9 "The current invention [Hall] uses the interrelationship between previously drawn numbers and astronomical data." Hall defines astronomical data as (Hall claim 3) "moon ingress, aspects of planets, moon phases, and planet ingress." That is, Hall uses the positions of astronomical features as seen from earth, also known as Astrology.

Referring to Hall claim 1 step a. "selecting at least one input number" this is known in the art as a "seed number" and is specifically taught away from in the current invention.

In summary Hall teaches using a seed number and Astrology data (which is not random) to predict a future lottery event. Hall is an entertainment method, and is completely unrelated to the current invention, which generates random numbers based on hard science.

Examiner rejected claims 3-11, 15 and 16 under 35 USC § 102(b) as being unpatentable over Hall, Jr., United States Patent 6,371,482 and Shilton, United States Patent 6,697,829.

Examiner states: The claims only differ from Shilton in that astronomical

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events are used as the data source in generating the random numbers whereas Shilton uses a radiation source. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an astronomical events source because Shilton teaches that any "random event source" can be used and because Hall teaches astronomical events as a random event source, thereby making the claimed invention."

Inventor respectfully disagrees with Examiner's statement. First Hall uses what is known in the art as Astrological events not Astronomical events. Thus Hall cannot foresee the current invention as it is directed at entertainment, not generation of statistically random numbers. So Hall in combination with Shilton does not disclose or suggest using astronomical events such as the solar wind to generate random numbers.

Referring to Shilton's claim one, "comparing each of the first and second pulse trains of detected events with a predetermined result" this method is not used nor taught by the current invention. Thus Shilton alone or in combination with Hall does not disclose or suggest the current invention.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. Applicants respectfully request entry of the present amendment because the amendment places the application in immediate condition for allowance.

To: USPO @ 571-273-8300

From: Jeffrey Manber

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Respectfully submitted,

By: _____/Jeffrey Manber/_____
Jeffrey Manber Date: